

REMARKS/ARGUMENTS

By this Amendment, the specification and claims 19, 62, and 84 are amended. Claims 109-117 are cancelled as being drawn to a non-elected invention. Claims 62 and 84 are amended to depend from the generic independent claim 1. Claim 19 is amended to clarify the “standard” temperature and pressure refers to 0°C and 1 atmosphere pressure. Paragraph [0042] was amended to clarify that the carotenoids present in the composition of matter are approximately less than 5% cis. Support for this amendment is found in original claim 17. Paragraph [0043] was amended to clarify the term “standard” temperature and pressure. Applicants respectfully request favorable reconsideration.

Claim Rejections – 35 USC § 112. Claim 19 was rejected under Section 112, second paragraph, as being indefinite. Specifically, the term “standard” as applied to temperature and pressure was not defined. Applicants respectfully submit that the term standard temperature and pressure, often abbreviated “STP,” is understood by persons skilled in the art to be 1 atmosphere of pressure (760 mm Hg, 1.01325×10^6 dynes per sq cm, or approximately 14.7 lb per sq in) and the freezing point of pure water, 0° Celsius (273.15 Kelvin). This term is well known to physicists, chemists, and engineers. The specification and claim 19 have been amended to clarify that the “standard” temperature and pressure refers to 0°C and 1 atmosphere pressure. Applicants submit that this amendment does not add new matter since the term standard temperature and pressure is well known and understood to persons skilled in the art.

Allowable Subject Matter. Claims 1-18 and 20-61 were allowed. Applicants submit that amended claim 19 is also in condition for allowance. Claims 62 and 84 were amended to depend from claim 1, which is generic for each of the species in Group I (claims 1-108). Therefore, Applicants submit that claims 62-108 are also in condition for allowance.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Appl. No. 10/706,498
Amdt. dated February 9, 2006
Reply to Office Action of November 15, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. R. Witt", written over a horizontal line.

Evan R. Witt
Reg. No. 32,512
Attorney for Applicants

Date: February 9, 2006

MADSON & AUSTIN
Gateway Tower West
15 West South Temple, Suite 900
Salt Lake City, Utah 84101
Telephone: 801/537-1700